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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application No.	10/076957
Filing Date	February 19, 2002
First Named Inventor	Alex Margulis
Art Unit	2634
Examiner Name	Erin M. File
Total Number of Pages in This Submission	Attorney Docket Number 42390P13611

ENCLOSURES   *(check all that apply)*

☒ Fee Transmittal Form

    ☒ Fee Attached

☐ Amendment / Response

    ☐ After Final
    ☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

    ☐ PTO/SB/08

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/ Incomplete Application

    ☐ Basic Filing Fee
    ☐ Declaration/POA
    ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s)

    ☐ Landscape Table on CD

☐ After Allowance Communication to TC

☐ Appeal Communication to Board of Appeals and Interferences

☒ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) *(please identify below):*

Return Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Paul A. Mendonsa, Reg. No. 42,879 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	*[signature]*
Date	July 20, 2006

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Typed or printed name	Gayle Bekish		
Signature	*[signature]*	Date	July 20, 2006

FEE TRANSMITTAL
for FY 2005

Patent fees are subject to annual revision.

Complete if Known	
Application Number	10/076957
Filing Date	February 19, 2002
First Named Inventor	Alex Margulis
Examiner Name	Erin M. File
Art Unit	2634
Attorney Docket No.	42390P13611

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT	($)	500.00

METHOD OF PAYMENT *(check all that apply)*

☒ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 02-2666   Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
☐ Charge fee(s) indicated below   ☐ Charge fee(s) indicated below, except for the filing fee
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under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

FEE CALCULATION

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee ($)	Fee Code	Fee ($)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	500.00
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	

Other fee (specify) _____

SUBTOTAL (2) ($) 500.00

SUBMITTED BY				Complete (if applicable)	
Name (Print/Type)	Paul A. Mendonsa	Registration No. (Attorney/Agent)	42,879	Telephone	(503) 439-8778
Signature				Date	07/20/06

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
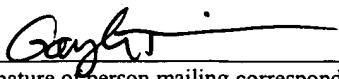
IN RE THE APPLICATION OF:	Alex Margulis et al.	CONFIRMATION NO.:	2027
APPLICATION NO.:	10/076,957	ART UNIT:	2634
FILED:	February 19, 2002	EXAMINER:	Erin M. File
TITLE:	RAKE RECEIVER INTERFACE		
ASSIGNEE:	INTEL CORPORATION		

APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Notice of Panel Decision from Pre-Appeal Brief Review mailed June 20, 2006, Applicant respectfully submits this Appeal Brief.

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i.   <u>Real Party in Interest</u>: (1) Intel Corporation, a Delaware corporation, and

                                    (2) D.S.P.C. Technologies Ltd., an Israeli company.

ii.   <u>Related Appeals and Interferences</u>: None.

iii.   <u>Status of Claims</u>:   Claims 1-2, 12-13, and 26 are rejected.

                                Claims 3-11, 14-25, and 27 are objected to.

                                Claims 1-2, 12-13, and 26 are on appeal.

iv.   <u>Status of Amendments</u>: No amendment has been filed subsequent to final rejection.

v.   <u>Summary of Claimed Subject Matter</u>:

        Interrupts are generated in a transfer of information between a rake receiver and a

processor. The interrupts have a rate of generation per unit time independent of a rate of the

transfer of information per unit time.

        In accordance with one or more embodiments described in the Description and illustrated

in the drawings of the present application, information is transferred between a rake receiver 11

and a processor 12 as illustrated in Figure 1. Interrupts may be generated in the transfer of

information between rake receiver 11 and processor 12. The interrupts may have a rate of

generation per unit time independent of a rate of the transfer of information per unit time. The

information may comprise, without limitation, symbols having symbol boundaries. For an

example shown in Figure 2, interrupts 19 may be generated in the transfer of symbols having

symbol boundaries 16A-16D and 18A-18D from fingers F1 and F2, respectively, of fingers 10 to

processor 12 of Figure 1. <u>See</u> <u>Description</u>, p. 4 at paras. [0014]-[0016].

        Figure 3 illustrates, for one embodiment, interrupts the timing of which may be defined

as global symbol boundaries 20A-20C which may be generated at a rate independent of the time

rate of symbol boundaries 16A-16D and 18A-18D. For one embodiment, fingers F1 and F2 may

write information to registers R0 and R1 of Figure 1 in an alternating manner and global symbol

boundaries 20A-20C may be used for processor 12 to read alternately from registers R0 and R1

independently of the rate at which fingers F1 and F2 write to registers R0 and R1. Figure 3 illustrates timing for an embodiment where the timing of fingers F1 and F2 may remain constant and the global symbol boundaries may have a fixed rate. See Description, p. 5 at para. [0018] to p. 6 at para. [0022].

Figure 4 illustrates timing for an embodiment where the timing of finger F1 may vary with time while the global symbol boundaries have a fixed rate, causing a collision between writing to and reading from the same register. See Description, p. 6 at paras. [0023]-[0024].

Figures 5 and 6 illustrate timing for embodiments where one or more counters 22 of Figure 1 are used to track writes to and reads from registers R0 and R1 to prevent read-write collisions. See Description, p. 7 at para. [0025] to p. 8 at para. [0031].

vi.   Grounds of Rejection to be Reviewed on Appeal:

Whether claims 1-2, 12-13, and/or 26 are anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,792,031 B1 to Sriram et al. ("Sriram").

Appellant notes the rejections of claims 1-2, 12-13, and 26 over Sriram were initially made under § 102(b) in the April 25, 2005 Office Action, were made under § 102(e) in the October 4, 2005 Office Action, and were made under § 102(b) in the February 16, 2006 Final Office Action ("Final Office Action"). Sriram issued on September 14, 2004 and therefore does not qualify as prior art under § 102(b) with respect to the present application which was filed on February 19, 2002. Appellant is treating these rejections as if they were made under § 102(e).

vii.   Argument:

Independent claims 1, 12, and 26 recite a generation of interrupts in a transfer of information between a rake receiver and a processor, wherein the interrupts have a rate of generation per unit time independent of a rate of the transfer of information per unit time. Claims 2 and 13 depend from claim 1 and 12, respectively, and therefore also include such features.

Appellant respectfully submits <u>Sriram</u> did not teach or suggest such features as claimed. Appellant also respectfully submits that <u>Sriram</u> actually taught away from such features as claimed.

<u>Sriram</u> taught, with reference to Figure 2, interrupt generator 214 which generates task-based interrupts. <u>Sriram</u> explicitly taught in column 6 at lines 58-61:

> Interrupt Generator 214 generates three types of interrupts including task-based interrupts, system interrupts and error interrupts. Each CCP 200 task can generate at least one interrupt.

As illustrated in Figure 2 of <u>Sriram</u>, interrupt generator 214 forms a part of a correlator co-processor (CCP) 200. Appellant respectfully submits that <u>Sriram</u> taught that <u>all</u> timing in CCP 200 is <u>not</u> independent of the rate of data transfer with CCP 200 and therefore respectfully submits that the rate of generation by interrupt generator 214 of interrupts in such a data transfer is <u>not</u> independent of data transfer rate.

<u>Sriram</u> taught use of global chip counter (GCC) 100 to maintain timing in a code division multiple access (CDMA) rake receiver employing CCP 200. <u>See</u>, <u>e.g.</u>, <u>Sriram</u> in column 4 at lines 6-27. <u>Sriram</u> explicitly taught in column 4 at lines 29-31:

> Specifically the GCC 100 counts the samples of the CDMA signal ("chips") as they arrive at the receiver * * *.

<u>Sriram</u> also explicitly taught, for example, in column 4 at lines 32-33:

> *All* timing in the receiver is specified relative to the GCC 100.
> (emphasis added)

and in column 4 at lines 42-44:

> *All* timing in the coprocessor (CCP) 200 is relative to the GCC 100 count value * * *.
> (emphasis added)

and in column 6 at lines 47-49:

> *All* timing in the CCP 200 is relative to the GCC 100 count value * * *.
> (emphasis added)

Appellant therefore respectfully submits that <u>all</u> timing in CCP 200 is <u>not</u> independent of the rate at which CCP 200 receives samples of a CDMA signal and that therefore <u>all</u> timing in interrupt

generator 214, which again forms a part of CCP 200, is then necessarily <u>not</u> independent of such a data transfer rate.

Because CCP 200 and interrupt generator 214 use the same source of timing which is <u>not</u> independent of the rate at which CCP 200 receives samples of a CDMA signal, Appellant also respectfully submits that the rate of generation by interrupt generator 214 of interrupts in data transfer from CCP 200 is <u>not</u> independent of the rate of data transfer from CCP 200.

Appellant respectfully submits such contradictory teachings of <u>Sriram</u> preclude any interpretation that <u>Sriram</u> anticipated Appellant's claims 1, 12, and 26.

The Final Office Action on page 3 at lines 16-17 has maintained from both the April 25, 2005 and October 4, 2005 Office Actions that:

> * * * Because the interrupts are generated by data tasks and not the data the interrupt rate is independent of the data transfer rate.

Appellant respectfully submits, however, that this interpretation is contradicted by the actual teachings of <u>Sriram</u> as explained above.

The Final Office Action on page 2 at lines 12-15 states:

> * * * Looking at the rate of error interrupts, these interrupts cannot be said to be generated at a rate dependent upon the rate of data transfer. A higher data transfer rate does not directly increase or decrease the error rate, nor does a lower data rate. The rate of data transfer does not determine the frequency of error interrupts.

Appellant respectfully submits, however, that this interpretation is also contradicted by the actual teachings of <u>Sriram</u> as explained above. Appellant also notes the Final Office Action does not identify any teaching in <u>Sriram</u> to support this interpretation.

Appellant further notes the Final Office Action does not identify any teaching in <u>Sriram</u> that such error interrupts are interrupts in a transfer of information between a rake receiver and a processor as claimed in claims 1, 12, and 26.

The Final Office Action on page 3 at lines 1-3 states:

> The examiner again points out the timing of the CCP circuit, in which the interrupt generator in Sriram's invention resides, is not the same as the rate at which interrupts are generated.

Appellant respectfully submits, however, that this interpretation is also contradicted by the actual teachings of <u>Sriram</u> as explained above. Appellant also notes the Final Office Action does not identify any teaching in <u>Sriram</u> to support this interpretation.

For at least the above reasons, Appellant respectfully submits claims 1-2, 12-13, and 26 are not anticipated under 35 U.S.C. § 102(e) by <u>Sriram</u>. Appellant therefore respectfully requests reversal of the rejections of claims 1-2, 12-13, and 26.

Respectfully submitted,

Date: July 20, 2006

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viii.   Claims Appendix:

1.   A method comprising:

generating interrupts in a transfer of information between a rake receiver and a processor,

said interrupts having a rate of generation per unit time independent of a rate of the transfer of

information per unit time.

2.   The method according to claim 1, wherein generating said interrupts comprises

generating said interrupts in a transfer of symbols between fingers of said rake receiver and said

processor, said interrupts having a rate of generation per unit time independent of a time rate of

symbol boundaries of said symbols.

12.   Apparatus comprising:

a rake receiver; and

a processor, wherein the apparatus is adapted to generate interrupts in a transfer of

information between said rake receiver and said processor, said interrupts having a rate of

generation per unit time independent of a rate of the transfer of information per unit time.

13.   The apparatus according to claim 12, wherein said apparatus is able to generate said

interrupts in a transfer of symbols between fingers of said rake receiver and said processor, said

interrupts having a rate of generation per unit time independent of a time rate of symbol

boundaries of said symbols.

26.   A communications system comprising:

a rake receiver;

a processor;

apparatus able to generate interrupts in a transfer of information between said rake

receiver and said processor, said interrupts having a rate of generation per unit time independent

of a rate of the transfer of information per unit time; and

a code division multiple access (CDMA) communications component.

ix.   <u>Evidence Appendix</u>: U.S. Patent No. 6,792,031 B1 to Sriram et al. was originally entered in the record by the Examiner in the April 25, 2005 Office Action.

x.   <u>Related Proceedings Appendix</u>: None.